



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		47
Day and Date	Wednesday and 03.04.2024	
Complaint No.	CR/1944/2023 Case titled as Manish Aneja VS Revital Reality Private Limited & Supertech Limited	
Complainant	Manish Aneja	
Represented through	Shri Abhishek Verma Advocate	
Respondent	Revital Reality Private Limited & Supertech Limited	
Respondent Represented through	Shri Bhrigu Dhami Advocate	
Last date of hearing	10.01.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 09.05.2023 and the reply on behalf of respondent was received on 10.01.2024.

Succinct facts of the case as per complaint and annexures are as under:

S.N.	Particulars	Details
1.	Name of the project	"Supertech Basera" sector- 79&79B, Gurugram
2.	Project area	12.11 acres area
3.	Nature of project	Affordable Group Housing Project
4.	RERA registered/not registered	Registered vide no. 108 of 2017 dated 24.08.2017
5.	RERA registration valid upto	31.01.2020
6.	RERA extension no.	14 of 2020 dated 22.06.2020
7.	RERA extension valid upto	31.01.2021



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CA/1949/2023

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8.	DTPC License no.	163 of 2014 dated 12.09.2014	164 of 2014 dated 12.09.2014
	Validity status	11.09.2019	11.09.2019
	Name of licensee	Revital Reality Private Limited and others	
9.	Unit no.	104, 4 th floor, tower/block- 7, (Page no.28 of the complaint)	
10.	Unit measuring	473 sq. ft [carpet area] 73 sq. ft. [balcony area]	
11.	Date of execution of flat buyer's agreement	26.11.2015 (Page no. 27 of the complaint)	
12.	Possession clause	3.1 Possession Subject to force majeure circumstances, intervention of Statutory Authorities, receipt of occupation certificate and Allottee/Buyer having timely complied with all its obligations, formalities, or documentation, as prescribed by the Developer and not being in default under any part hereof and Flat Buyer's Agreement, including but not limited to the timely payment of installments of the other charges as per payment plan, Stamp Duty and registration charges, the Developers Proposes to offer possession of the said Flat to the Allottee/Buyer within a period of 4 (four) years from the date of approval of building plans or grant of environment clearance, (hereinafter referred to as the " Commencement Date ") , whichever is later. (Page no. 31 of the complaint).	
13.	Date of approval of building plans	19.12.2014 [as per information obtained from the planning branch]	
14.	Date of grant of environment clearance	22.01.2016 [Page no. 27 of the reply]	
15.	Due date of possession	22.01.2020	



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		[Note: - The due date of possession is calculated from the date of environment clearance (22.01.2016) being later.]
16.	Total sale consideration	Rs.19,28,500/- (page no. 30 of the complaint)
17.	Total amount paid by the complainant	Rs.19,96,872/- (As per payment receipts annexed with the complaint on page 60-67)
18.	Occupation certificate	Not obtained
19.	Offer of possession	Not offered

The counsel for the complainant is seeking delayed possession charges from the respondent on account of failure of the respondent to hand over the unit allotted to the complainant in terms of agreement dated 26.11.2015. The due date for handing over of possession was 22.01.2020 and the occupation certificate for the project is yet to be received.

The counsel for the respondent states that the complainant had failed to make timely payment and was due to pay interest on the same which was waived off at the request of the complainant vide email dated 12.06.2018. In case DPC is allowed, the complainant may also be directed to pay interest on the delayed payment. Further, the project was delayed on account of force majeure circumstances.

Arguments heard.

Order reserved.

Matter to come up on **10.04.2024** for pronouncement of order.

Ashok Sangwan
Member
03.04.2024